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CATEGORY: Countervailing

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SUB-TYPE:

FR CITE: FR

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(s):

CASE #(s): C-122-839

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 01/30/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CASH DEPOSIT INSTRUCTIONS FOR CERTAIN SOFTWOOD LUMBER PRODUCTS
FROM CANADA MANUFACTURED AND EXPORTED BY SCIERIE LAPOINTE AND ROY LTEE
(C-122-839)

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CASES: C - 122 - 839

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PERIOD COVERED: 01 30 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CASH DEPOSIT INSTRUCTIONS FOR CERTAIN SOFTWOOD LUMBER
PRODUCTS FROM CANADA MANUFACTURED AND EXPORTED BY
SCIERIE LAPOINTE AND ROY LTEE (C-122-839)

1. THE DEPARTMENT OF COMMERCE HAS PUBLISHED IN THE FEDERAL
REGISTER ON 01/30/04 (69 FR 4489) THE FINAL RESULTS OF ITS
NEW SHIPPER REVIEW OF A CERTAIN MANUFACTURER/EXPORTER SUBJECT
TO THE COUNTERVAILING DUTY ORDER (C-122-839) ON CERTAIN SOFTWOOD
LUMBER PRODUCTS FROM CANADA FOR THE PERIOD 01/01/02 THROUGH
12/31/02.

2. IMPORTS COVERED BY THIS ORDER ARE SOFTWOOD LUMBER, FLOORING AND SIDING (SOFTWOOD LUMBER PRODUCTS). SOFTWOOD LUMBER PRODUCTS INCLUDE ALL PRODUCTS CLASSIFIED UNDER HEADINGS 4407.1000, 4409.1010, 4409.1090, AND 4409.1020, RESPECTIVELY, OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), AND ANY SOFTWOOD LUMBER, FLOORING AND SIDING DESCRIBED BELOW. THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE. THESE SOFTWOOD LUMBER PRODUCTS INCLUDE:

(1) CONIFEROUS WOOD, SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED, OF A THICKNESS EXCEEDING SIX MILLIMETERS

(2) CONIFEROUS WOOD SIDING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED

(3) OTHER CONIFEROUS WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES (OTHER THAN WOOD MOLDINGS AND WOOD DOWEL RODS) WHETHER OR NOT PLANED,

SANDED OR FINGER-JOINTED; AND

(4) CONIFEROUS WOOD FLOORING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND

CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS ORDER IS DISPOSITIVE.

AS SPECIFICALLY STATED IN THE ISSUES AND DECISION MEMORANDUM ACCOMPANYING THE NOTICE OF FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE: CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA

(67 FR 15539; APRIL 2, 2002) (SEE COMMENT 53, ITEM D, PAGE 116, AND COMMENT 57, ITEM B-7, PAGE 126). DRILLED AND NOTCHED LUMBER AND ANGLE CUT LUMBER ARE COVERED BY THE SCOPE OF THIS ORDER.

THE FOLLOWING SOFTWOOD LUMBER PRODUCTS ARE EXCLUDED FROM THE SCOPE OF THIS ORDER PROVIDED THEY MEET THE SPECIFIED REQUIREMENTS DETAILED BELOW:

(1) STRINGERS, (PALLET COMPONENTS USED FOR RUNNERS). IF THEY HAVE AT LEAST TWO NOTCHES ON THE SIDE, POSITIONED AT EQUAL DISTANCE FROM THE CENTER, TO PROPERLY ACCOMMODATE FORKLIFT BLADES, PROPERLY CLASSIFIED UNDER HTSUS 4421.90.98.40.

(2) BOX-SPRING FRAME KITS, IF THEY CONTAIN THE FOLLOWING WOODEN PIECES - TWO SIDE RAILS, TWO END (OR TOP) RAILS AND VARYING NUMBERS OF SLATS. THE SIDE RAILS AND THE END RAILS SHOULD BE RADIUS-CUT AT BOTH ENDS. THE KITS SHOULD BE INDIVIDUALLY PACKAGED, THEY SHOULD CONTAIN THE EXACT NUMBER OF WOODEN COMPONENTS NEEDED TO MAKE A PARTICULAR BOX SPRING FRAME,

WITH NO FURTHER PROCESSING REQUIRED. NONE OF THE COMPONENTS EXCEEDS 1" IN ACTUAL THICKNESS OR 83" IN LENGTH.

(3) RADIUS-CUT BOX-SPRING-FRAME COMPONENTS, NOT EXCEEDING 1" IN ACTUAL THICKNESS OR 83" IN LENGTH, READY FOR ASSEMBLY WITHOUT FURTHER PROCESSING. THE RADIUS CUTS MUST BE PRESENT ON BOTH ENDS OF THE BOARDS AND MUST BE SUBSTANTIAL CUTS SO AS TO COMPLETELY ROUND ONE CORNER.

(4) FENCE PICKETS, REQUIRING NO FURTHER PROCESSING AND PROPERLY CLASSIFIED UNDER HTSUS HEADING 4421.90.70, 1" OR LESS IN ACTUAL THICKNESS, UP TO 8" WIDE, 6' OR LESS IN LENGTH, AND HAVE FINIALS OR DECORATIVE CUTTINGS THAT CLEARLY IDENTIFY THEM AS FENCE PICKETS. IN THE CASE OF DOG-EARED FENCE PICKETS, THE CORNERS OF THE BOARDS SHOULD BE CUT OFF SO AS TO REMOVE PIECES OF WOOD IN THE SHAPE OF ISOSCELES RIGHT ANGLE TRIANGLES WITH SIDES MEASURING 3/4 INCH OR MORE.

(5) U.S. ORIGIN LUMBER SHIPPED TO CANADA FOR MINOR PROCESSING AND IMPORTED INTO THE UNITED STATES, IS EXCLUDED FROM THE SCOPE OF THIS ORDER IF THE FOLLOWING CONDITIONS ARE MET: 1) THE

PROCESSING OCCURRING IN CANADA IS LIMITED TO KILN-DRYING, PLANING TO CREATE SMOOTH-TO-SIZE BOARD, AND SANDING, AND 2) IF THE IMPORTER ESTABLISHES TO THE BUREAU OF CUSTOMS AND BORDER PROTECTION'S (CBP) SATISFACTION THAT THE LUMBER IS OF U.S. ORIGIN.

(6) SOFTWOOD LUMBER PRODUCTS CONTAINED IN SINGLE FAMILY HOME PACKAGES OR KITS,(TO ENSURE ADMINISTRABILITY, WE CLARIFIED THE LANGUAGE OF EXCLUSION NUMBER 6 TO REQUIRE AN IMPORTER CERTIFICATION AND TO PERMIT SINGLE OR MULTIPLE ENTRIES ON MULTIPLE DAYS AS WELL AS INSTRUCTING IMPORTERS TO RETAIN AND MAKE AVAILABLE FOR INSPECTION SPECIFIC DOCUMENTATION IN SUPPORT OF EACH ENTRY) REGARDLESS OF TARIFF CLASSIFICATION, ARE EXCLUDED FROM THE SCOPE OF THIS ORDER IF THE IMPORTER CERTIFIES TO ITEMS 6 A, B, C, D, AND REQUIREMENT 6 E IS MET:

A. THE IMPORTED HOME PACKAGE OR KIT CONSTITUTES A FULL PACKAGE OF THE NUMBER OF WOODEN PIECES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT NECESSARY TO PRODUCE A HOME OF AT LEAST 700 SQUARE FEET PRODUCED TO A SPECIFIED PLAN, DESIGN OR BLUEPRINT;

B. THE PACKAGE OR KIT MUST CONTAIN ALL NECESSARY INTERNAL AND EXTERNAL DOORS AND WINDOWS, NAILS, SCREWS, GLUE, SUB FLOOR, SHEATHING, BEAMS, POSTS, CONNECTORS, AND IF INCLUDED IN THE PURCHASE CONTRACT, DECKING, TRIM, DRYWALL AND ROOF SHINGLES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT.

C. PRIOR TO IMPORTATION, THE PACKAGE OR KIT MUST BE SOLD TO A RETAILER OF COMPLETE HOME PACKAGES OR KITS PURSUANT TO A VALID PURCHASE CONTRACT REFERENCING THE PARTICULAR HOME DESIGN PLAN OR BLUEPRINT, AND SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;

D. SOFTWOOD LUMBER PRODUCTS ENTERED AS PART OF A SINGLE FAMILY HOME PACKAGE OR KIT, WHETHER IN A SINGLE ENTRY OR MULTIPLE ENTRIES ON MULTIPLE DAYS, WILL BE USED SOLELY FOR THE CONSTRUCTION OF THE SINGLE FAMILY HOME SPECIFIED BY THE HOME DESIGN MATCHING THE ENTRY.

E. FOR EACH ENTRY, THE FOLLOWING DOCUMENTATION MUST BE RETAINED BY THE IMPORTER AND MADE AVAILABLE TO THE CBP UPON REQUEST:

I. A COPY OF THE APPROPRIATE HOME DESIGN, PLAN, OR BLUEPRINT

MATCHING THE ENTRY;

II. A PURCHASE CONTRACT FROM A RETAILER OF HOME KITS OR PACKAGES SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;

III. A LISTING OF INVENTORY OF ALL PARTS OF THE PACKAGE OR KIT BEING ENTERED THAT CONFORMS TO THE HOME DESIGN PACKAGE BEING ENTERED;

IV. IN THE CASE OF MULTIPLE SHIPMENTS ON THE SAME CONTRACT, ALL ITEMS LISTED IN E(III) WHICH ARE INCLUDED IN THE PRESENT SHIPMENT SHALL BE IDENTIFIED AS WELL.

LUMBER PRODUCTS THAT THE CBP MAY CLASSIFY AS STRINGERS, RADIUS CUT BOX-SPRING-FRAME COMPONENTS, AND FENCE PICKETS, NOT CONFORMING TO THE ABOVE REQUIREMENTS, AS WELL AS TRUSS COMPONENTS, PALLET COMPONENTS, AND DOOR AND WINDOW FRAME PARTS,

ARE COVERED UNDER THE SCOPE OF THIS ORDER AND MAY BE CLASSIFIED UNDER HTSUS SUBHEADINGS 4418.90.45.90 , 4421.90.70.40, AND 4421.90.97.40.

FINALLY, AS CLARIFIED THROUGHOUT THE COURSE OF THE INVESTIGATION, THE FOLLOWING PRODUCTS, PREVIOUSLY IDENTIFIED AS GROUP A, REMAIN OUTSIDE THE SCOPE OF THIS ORDER. THEY ARE:

1. TRUSSES AND TRUSS KITS, PROPERLY CLASSIFIED UNDER HTSUS 4418.90;
2. I-JOIST BEAMS;
3. ASSEMBLED BOX SPRING FRAMES;
4. PALLETS AND PALLET KITS, PROPERLY CLASSIFIED UNDER HTSUS 4415.20;
5. GARAGE DOORS;
6. EDGE-GLUED WOOD, PROPERLY CLASSIFIED UNDER HTSUS ITEM 4421.90.98.40;
7. PROPERLY CLASSIFIED COMPLETE DOOR FRAMES;
8. PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES;
9. PROPERLY CLASSIFIED FURNITURE.

IN ADDITION, THIS SCOPE LANGUAGE HAS BEEN FURTHER CLARIFIED

TO NOW SPECIFY THAT ALL SOFTWOOD LUMBER PRODUCTS ENTERED FROM

CANADA CLAIMING NON-SUBJECT STATUS BASED ON U.S. COUNTRY OF ORIGIN WILL BE TREATED AS NON-SUBJECT U.S.-ORIGIN MERCHANDISE UNDER THE COUNTERVAILING DUTY ORDER, PROVIDED THAT THESE SOFTWOOD LUMBER PRODUCTS MEET THE FOLLOWING CONDITION UPON ENTRY, THE IMPORTER, EXPORTER, CANADIAN PROCESSOR AND/OR ORIGINAL U.S. PRODUCER ESTABLISH TO CBP'S SATISFACTION THAT THE SOFTWOOD LUMBER ENTERED AND DOCUMENTED AS U.S.-ORIGIN SOFTWOOD LUMBER WAS FIRST PRODUCED IN THE UNITED STATES AS A LUMBER PRODUCT SATISFYING THE PHYSICAL PARAMETERS OF THE SOFTWOOD LUMBER SCOPE. (SEE THE SCOPE CLARIFICATION MESSAGE (#3034202), DATE FEBRUARY 3, 2003, TO THE CBP, REGARDING TREATMENT OF U.S. ORIGIN LUMBER ON FILE IN THE CENTRAL RECORDS UNIT, ROOM B-0999 OF THE MAIN COMMERCE BUILDING). THE PRESUMPTION OF NON-SUBJECT STATUS CAN, HOWEVER, BE REBUTTED BY EVIDENCE DEMONSTRATING THAT THE MERCHANDISE WAS SUBSTANTIALLY TRANSFORMED IN CANADA.

3. AS A RESULT OF COMMERCE'S REVIEW, THE CASH DEPOSIT RATE HAS BEEN REVISED FOR A CERTAIN MANUFACTURER/EXPORTER. THERE IS NO LONGER AN OPTION TO POST A BOND. THEREFORE, FOR ALL SHIPMENTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, PRODUCED AND EXPORTED BY THE MANUFACTURER/EXPORTER LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER JANUARY 30, 2004, THE REQUIRED CASH DEPOSIT HAS BEEN REVISED AS FOLLOWS:

| MANUFACTURER/EXPORTER NUMBER | CUSTOMS ID RATE | CASH DEPOSIT |
|---------------------------------|--------------------|--------------|
| SCIERIE LAPOINTE ROY LTEE. | C-122-839-037 | 0% |

4. THESE CASH DEPOSIT REQUIREMENTS WILL REMAIN IN EFFECT UNTIL PUBLICATION OF THE FINAL RESULTS FOR THE NEXT ADMINISTRATIVE REVIEW. DO NOT LIQUIDATE ANY ENTRIES COVERED BY THIS REVIEW UNTIL YOU HAVE RECEIVED LIQUIDATION INSTRUCTIONS.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) OFFICERS, THE IMPORTING PUBLIC AND INTERESTED PARTIES, CONTACT DAVINA HASHIMI AT THE OFFICE OF CVD/AD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, (202) 482-0984. (GENERATED BY G2O6:JM).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party